

COHEN & GREEN

February 7, 2024

BY ECF

Hon. Ann M. Donnelly
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Payamps v. City of New York, 22-cv-00563

Dear Judge Donnelly:

This firm along with co-counsel represents the Plaintiff. We write to respectfully request a third extension of time to file a fee application from February 13, 2024, up to and including March 14, 2024. On December 14, 2023, the Court granted Plaintiff's second request, stating "the Court does not foresee granting further extensions without good cause." We believe there is good cause for this request because we are currently waiting to hear back from the City with what we understand to be their best and final offer in furtherance of our collective efforts to resolve this matter without Court intervention. On February 1st, counsel for both sides spoke after several rounds of negotiations and ACC Pesin indicated that he would request further settlement authority from his office. He hoped to have a response the next day, but that is not yet happened. We understand that ACC Pesin is awaiting information from his office as to whether Defendants will make a further offer. At 1 :00 p.m. today I emailed Mr. Pesin asking for his consent to this request but as of the filing of this motion have not heard back from him. Given Mr. Pesin's representations to us that he is awaiting permission from his office to make another move, we believe this extension may be productive in resolving this matter.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/

Jessica Massimi

Pronouns: She/Her

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cc:

All relevant parties by ECF.

